



FREDERICK COUNTY BOARD OF APPEALS

September 22, 2022

TITLE: Veronica Mazzano

CASE NUMBER: B-22-28 (B273544)

REQUEST: Requesting a 17 ft. variance from the required 25 ft. Front Building Restriction Line along Pinehurst Drive, in order to construct an in ground pool, in accordance with Section 1-19-3.220 Variances, Section 1-19-6.100 Design Standards, and Requirements of the Frederick County Zoning Ordinance. If approved, the variance would create an 8 ft. front building restriction line along Pinehurst Drive. This is a "Through Lot" with two front Building Restriction Lines (Lakeview Ct & Pinehurst Dr).

PROJECT INFORMATION:

ADDRESS/LOCATION: 6516 Lakeview Ct
TAX MAP/PARCEL: Tax Map 79, Parcel 0223
ZONE: Planned Unit Development (PUD)
REGION: New Market
WATER/SEWER: W-1/S-1
COMP. PLAN/LAND USE: Low Density Residential

APPLICANT/REPRESENTATIVES:

APPLICANT: Veronica Mazzano
OWNER: Veronica Mazzano
ENGINEER: N/A
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Paone, Zoning Planner

RECOMMENDATION: Based on the information as set forth in the staff report, Staff recommends that the BOA find that the proposed 17 ft. variance to the 25 ft. front building restriction line along Pinehurst Drive, in order to construct a pool on a Through Lot, complies with Section 1-19-3.220 (Variance), Section 1-19-6.100 (Design Standards) and Section 1-19-4.620, and that the BOA approve the Application.

ATTACHMENTS:

Attachment 1: Site Plan
Attachment 2: Pool Layout
Attachment 3: GIS Aerial of site
Attachment 4: Comprehensive Plan designation
Attachment 5: Environmental Features
Attachment 6: Zoning

Background

The required setbacks for this Low Density Residential (R3) zoned property are front – 25', side – 8', rear – 25'.

The Applicant is requesting a 17 ft. variance to a 25 ft. front building restriction line along Pinehurst Drive, in order to construct an in-ground pool, in accordance with Section 1-19-3.220 Variances, Section 1-19-6.100 Design Standards and Section 1-19-4.620. Corner and Through Lots, of the Frederick County Zoning Ordinance. If approved, the variance would create an 8 ft. front building restriction line along Pinehurst Drive.

Sec. 1-19-3.220 General Criteria - Variance:

Under the provisions of Section 1-19-3.220(C) of the Frederick County Zoning Ordinance, the Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

- (A) The Board of Appeals may authorize a variance in height, lot area and yard regulations.

This is a request for a variance in yard regulations.

- (B) An application for a variance shall be filed with the Board of Appeals only after refusal of zoning approval or an adverse determination has been issued by the Zoning Administrator.

The Applicant states that the County Zoning staff directed him to file an application with the Board of Appeals.

- (C) The Board of Appeals shall not grant a variance unless and until a public hearing is held and all of the following criteria are met:

The Applicant states that the hearing is scheduled for September 22, 2022

- (1) First, the Board of Appeals shall find that special conditions and circumstances exist which are unique to the land or structure involved and which are not applicable to other lands or structures in the same district.

The Applicant states that their lot fronts on 2 separate roads, creating a Through Lot with 2 front building restriction lines. This significantly reduces the area where the pool can be constructed, in what the Applicant considers the rear yard.

(2) Upon making this finding the Board of Appeals shall also find that the following criteria are met

- (a) That the special conditions and circumstances do not result from the actions of the applicant; and

The lot is shallow in nature, which prevents the ability to move the pool any closer to the home and meet the 25 ft. setback, and the Applicant did not cause this lot to be a Through Lot.

- (b) The literal interpretation of the provisions of Chapter 1-19 of the Frederick County Code would result in unreasonable hardship and deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of Chapter 1-19; and

The Applicant states that the homeowner has been diagnosed with osteoporosis. The pool is being installed to provide a low to no- impact exercise option and access to a non-public pool to prevent exposure to ongoing public health issues.

- **Staff notes that there are other pools on similar properties in the neighborhood.**

- (c) That granting the variance will not confer on the applicant any special privilege that is denied by Chapter 1-19 of the Frederick County Code to other lands or structures in the same district; and

The Applicant states that the property is located on a quiet court within the community and one of the homes on the street also has a pool.

- **Staff confirmed that there are other permitted pools along the street.**

- (d) That the granting of the variance will be in harmony with the general purpose and intent of Chapter 1-19 of the Frederick County Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The Applicant states that granting the variance will be in harmony with Chapter 1-19 of the Frederick County Code, and would have no detrimental effect on any adjoining properties, the surrounding community, or public welfare.

- (D) In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with Chapter 1-19 of the Frederick County Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, is a violation of Chapter 1-19.

The Applicant states that she understands this requirement

- (E) Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of Chapter 1-19 of the Frederick County Code in the zone involved, or any use expressly or by implication prohibited by the terms of Chapter 1-19 in said zone.

The Applicant states that the requested use is permitted, and not prohibited, under the terms of Chapter 1-19 of the Frederick County Code.

- (F) Except as specified in § [1-19-4.220\(C\)](#), the Board of Appeals shall not grant a variance to a nonconforming structure for the portion of structure determined by the Zoning Administrator to be nonconforming.

The Applicant states that she is not asking for a variance to a nonconforming structure.

- (G) A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

RECOMMENDATION

Based on the application and the discussion in this staff report, Staff recommends that the BOA find that the proposed 17 ft. variance to the 25 ft. front building restriction line along Pinehurst Drive in order to construct an in-ground pool, complies with Section 1-19-3.220 (Variance), Section 1-19-6.100 (Design Standards) and Section 1-19-4.620. Corner and Through Lots, of the Frederick County Zoning Code Staff has no objection to approval of the requested variance.

A decision of the Board of Appeals granting a variance will be void 2 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

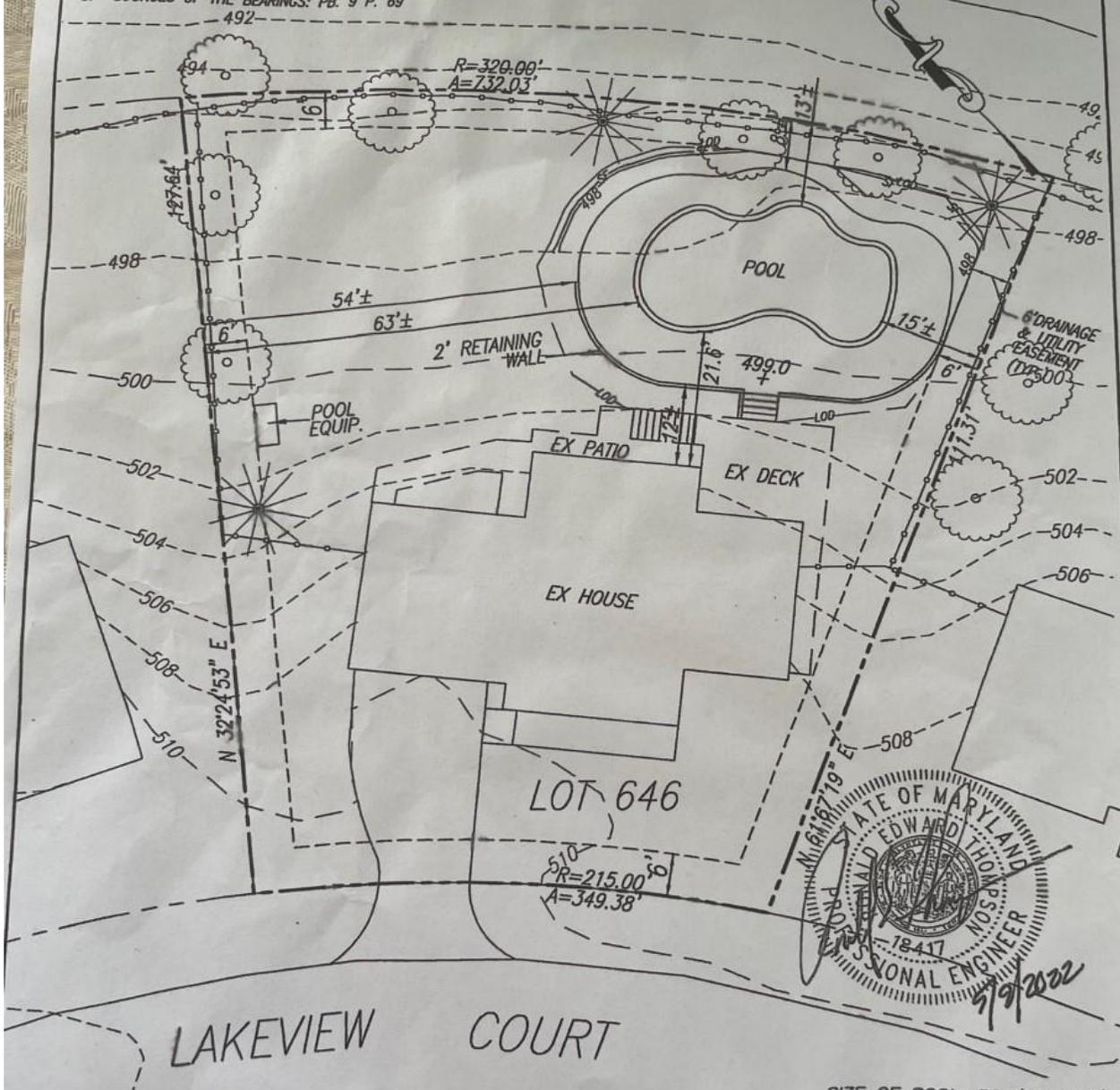
Attachment 1: Pool Location

NOTES:

1. EXISTING TOPOGRAPHY, EXISTING IMPROVEMENTS AND PROPERTY BOUNDARY ARE PRODUCED FROM AVAILABLE FREDERICK COUNTY GIS DATA.
2. ALL DISTANCES TO PROPERTY LINES HAVE AN ACCURACY OF ONE FOOT PLUS OR MINUS (1'±)
3. SOURCES OF THE BEARINGS: PB. 9 P. 69

PINEHURST

DRIVE



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POOL SITE PLAN
 LOT 646
 PINEHURST
 6516 LAKEVIEW CT.
 NEW MARKET, MD
 ELECTION DISTRICT NO. 27
 FREDERICK COUNTY, MARYLAND



VANMAR ASSOCIATES, INC.
 Engineers Surveyors Planners
 310 South Main Street Mount Airy, Maryland 21771
 (301) 829-2890 (301) 831-5015 (410) 549-2751
 Fax (301) 831-5603 ©Copyright, Latest Date Show

1 OF 2
 C2-6262

SIZE OF POOL: 36.0' X 18.0'
 LIMIT OF DISTURBANCE 2215 SF
 POOL CONCRETE AREA 890 SF

PLAN
 SCALE: 1" = 20'

Attachment 2: Pool Layout

Scale: 1/8" = 1'

Pool Specs	
Perimeter: 154	Area: 547
Envelope: 18x36	
Depth: 3-4-8-0	RTNS: 2
Drains: 1 strip	Lights: 2 LED
Skim: 2	P.C.: POL 7240
Dig Type: CLAY	Volume: 18,000
Spillover Length(s):	
Coping Material: ALUM BULLNOSE	
Interior Finish: Panama Royal Prism	
Notes:	

Spa Specs	
Perimeter: N/A	Area:
Jets:	Height:
Lights:	RTNS:
Drains:	Spillover Length(s):
Coping Material:	
Interior Finish:	
Notes:	

Tile Specs	
Raised Beams: N/A	
Pool Tile Material:	
Spa Tile Material:	
Notes:	

Deck Specs	
Perimeter: 154	Area: 767
Coping Area:	
Coping Material:	
Surface Material:	
Turn Down:	Riser:
NOTES:	

Equipment	
Circ Pump: VS 1.65	Control Panel:
Pump #2:	Remote:
Pump #3:	Sanitizer: TRUE CLEAR 11K
Filter: SFTM24	Blower:
Heater: 150	Fill Line:
Cleaner: POL 7240	Other:
Pool Light: 2-24 WATT	Other:
Spa Light:	Other:
Other:	Other:
NOTES:	

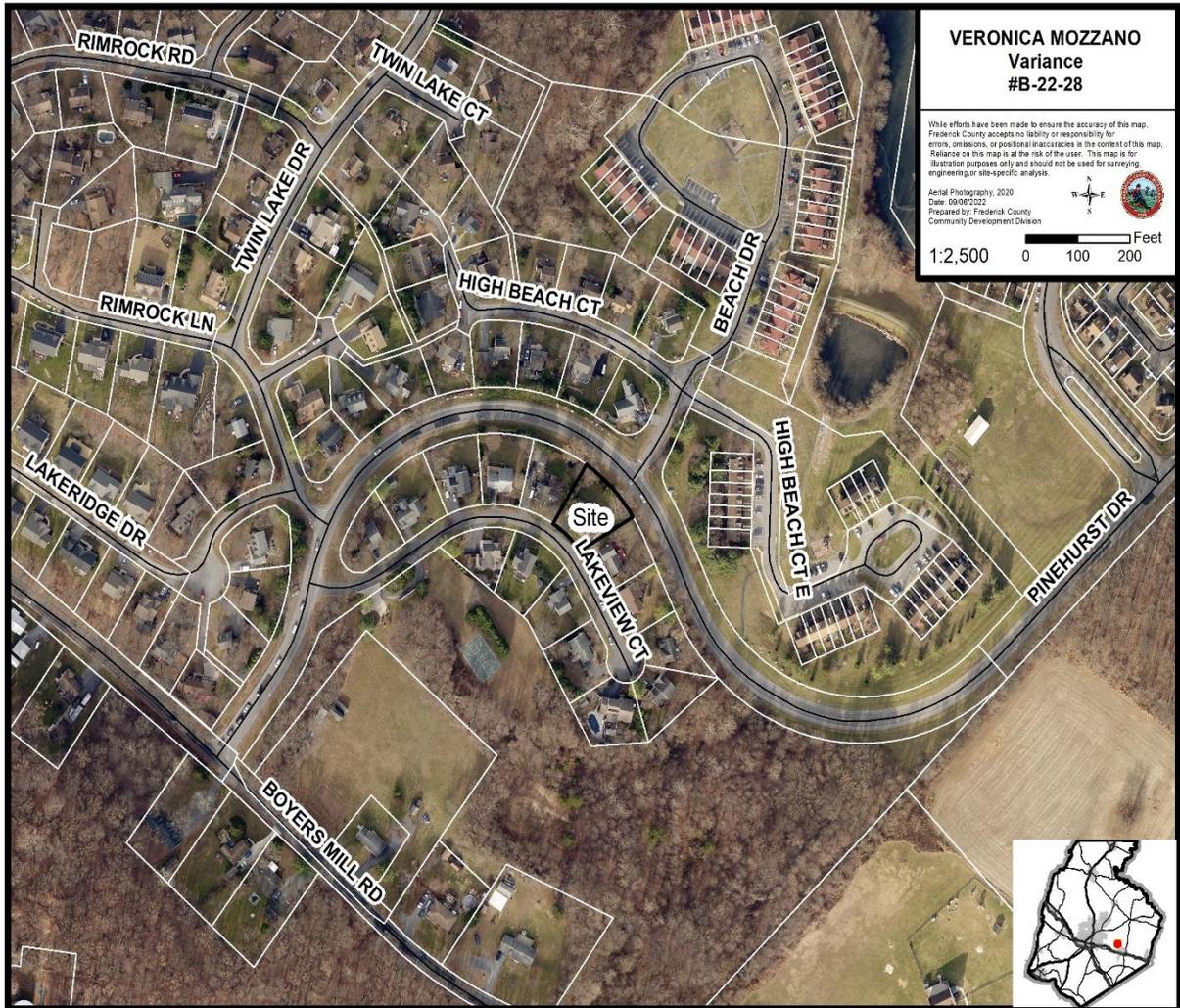
Pool Depth Profile	

Approval	
<p>I/we (the undersigned) have reviewed this plan and approve it as correct within reasonable tolerance. I/we understand that any changes made to a shape or to a location may delay the project and/or result in additional cost.</p>	
X	

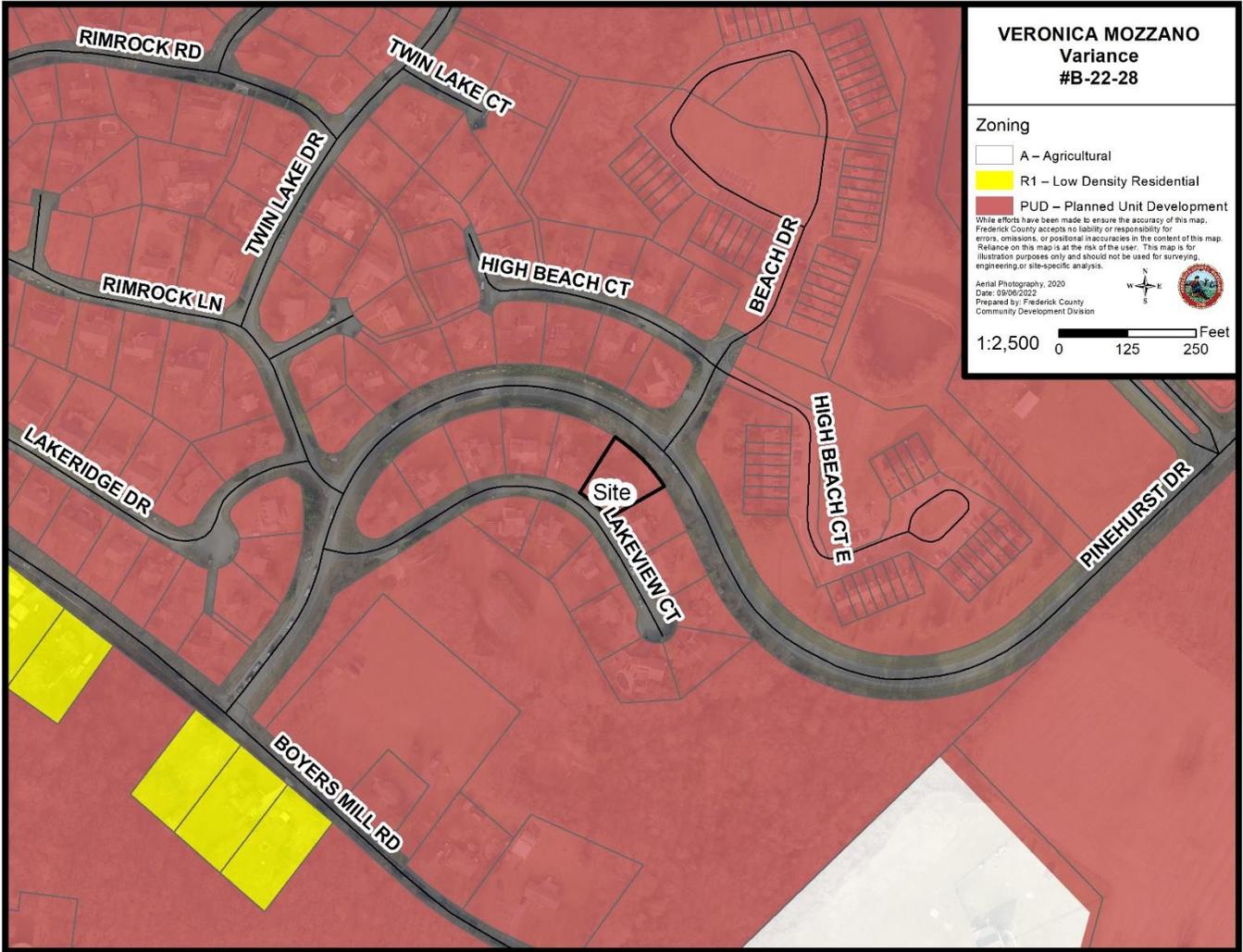
Project Name: Mozzano
Client Name: Veronica Mozzano
Client Email: vmozzano@msn.com
Client Phone: 240-446-3646
Address: 6516 Lakeview ct.
City: New Market
State/Province: MD
Zip/Postal Code: 21774
Designer Name: Mike

GIS MAPS

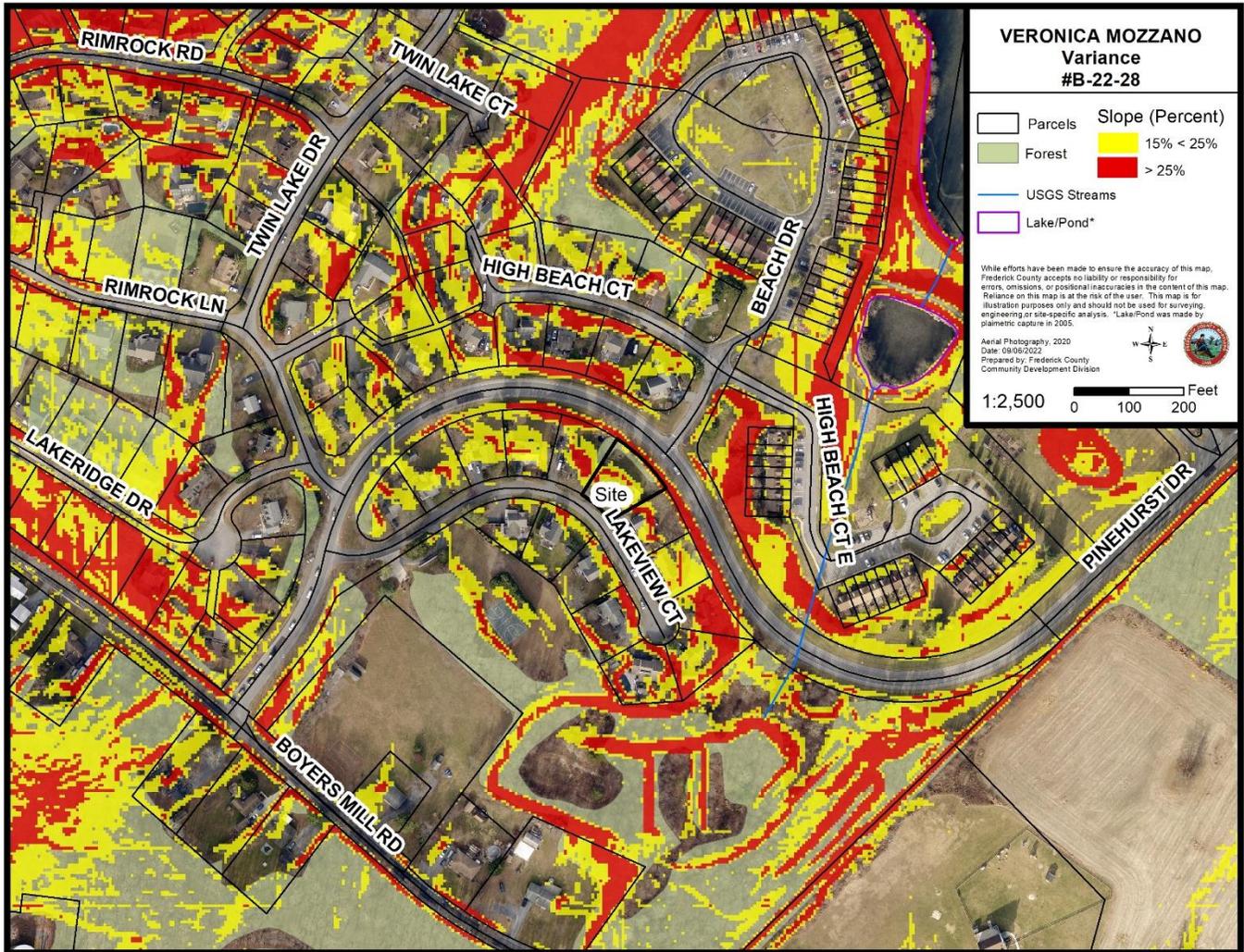
Aerial Map



Zoning Map



Environmental Resources Map



Comprehensive Plan

